

EXHIBIT 1

1 my hand and took my hand away.

2 Q. And is it fair to say that you are missing
3 one of your digits at a halfway point?

4 A. Yes, and this one other next to it attached
5 to the side.

6 Q. It was sewed back on?

7 A. Yes.

8 Q. And you wouldn't mind if we took a
9 photograph at some point, would you?

10 MR. LICHTEN: Objection.

11 A. Fine.

12 Q. Now, you had indicated that you liked the
13 job and you wanted to stay. What did the
14 union do to help you stay at your job?

15 A. No, they didn't do anything. And they left
16 other people working there that had been
17 there less time than I was.

18 Q. Did the union ever let you know they were
19 having meetings of other members of --
20 strike that. Did the union ever tell you or
21 notify you in any way about quarterly
22 meetings?

23 A. No.

24 Q. When you were supervising the ten people,

1 did the union ever provide you with any
2 information about proper supervision?

3 MR. LICHTEN: Objection.

4 A. No.

5 Q. Now, there appears to be some disagreement
6 here about whether Riquito Ortiz did his job
7 properly.

8 MR. LICHTEN: Objection.

9 Q. Do you have an opinion about that?

10 A. He was a good worker.

11 Q. And did he do the best he could to protect
12 your interests with the union?

13 MR. LICHTEN: Objection.

14 A. Yes, sir.

15 Q. Do you believe it was because you are
16 Hispanic that the union did not invite you
17 to meetings or otherwise protect you?

18 MR. LICHTEN: Objection.

19 A. Yes.

20 Q. Now, you have been out of work since the
21 plant closing; is that correct?

22 A. Yes.

23 Q. During this period of time, have you been
24 suffering emotionally?

1 A. Yes.

2 Q. Please explain to us how.

3 A. I can't sleep at night. Things are not the
4 same. I don't feel well.

5 Q. Do you feel humiliated about being on
6 welfare?

7 A. Yes, exactly.

8 Q. Now, during, basically, your entire work
9 life, you have been a member of the union,
10 haven't you?

11 A. Yes.

12 Q. That union is the Steelworkers; is that
13 correct?

14 A. Yes.

15 Q. And is it your opinion that the union failed
16 you because you are Hispanic?

17 MR. LICHTEN: Objection.

18 A. Yes.

19 Q. And one of your colleagues said that you
20 were treated like dogs. Do you agree with
21 that characterization?

22 MR. LICHTEN: Objection.

23 A. Yes.

24 Q. During the entire period that you worked at

1 the plant, did the union ever observe your
2 workplace?

3 A. No, not that I know of.

4 Q. They would just go into the headquarters
5 where the bosses were?

6 MR. LICHTEN: Objection.

7 A. Yes, to the office.

8 Q. Did you form an opinion as to whether you
9 thought, to use the parlance, the union was
10 in the pocket of the company?

11 MR. LICHTEN: Objection.

12 A. Yes.

13 Q. What was your opinion?

14 MR. LICHTEN: Objection.

15 A. Yes, because every time they would come
16 over, they would go straight only to their
17 office. And then they would send someone to
18 tell us, stop all the machines and make sure
19 that everybody comes down, and then a guy
20 from the union would come down. They would
21 stop the machines, make us come all the way
22 down. Then when we went down, the people
23 from the union would go in there, and they
24 would be speaking to them.

EXHIBIT 2

1 A. No.

2 Q. Now, in the plant were there fires constantly?

3 A. Oh, yes.

4 Q. And in the plant, was there dust flying around?

5 A. Too much, a lot.

6 Q. In the plant, did people lose fingers?

7 A. Yes.

8 Q. And how many fingers were lost in this plant?

9 MR. LICHTEN: Objection.

10 A. I just remember one person that lost two fingers.

11 Q. And how many faces were cut and scarred?

12 MR. LICHTEN: Objection.

13 A. I don't remember.

14 Q. Do you have any reason to believe that the union was
15 not aware of the fires or the cuts or the people who
16 lost fingers?

17 MR. LICHTEN: Objection.

18 A. I'm not sure.

19 Q. Well, what safety -- what did the union -- well,
20 strike that.

21 Did the union have a bulletin board
22 for posting notices?

23 A. No.

24 Q. Did the union ever give you any notices of meetings?

1 A. No.

2 Q. Did the union -- let me just ask it this way: Do
3 you believe that the union discriminated against
4 you?

5 MR. LICHTEN: Objection.

6 A. Absolutely.

7 Q. When and how?

8 A. I think that they discriminated against us because
9 first of all, they didn't help us. Also, we were
10 not -- they didn't tell us when the company was
11 going to close. And every time there was some sort
12 of a -- we had to draw up a contract or some sort of
13 complication, they would always go to the office,
14 their office, and spend a long time there. And then
15 afterwards when they would come to us, they would
16 say, "Oh, you know what? Whatever the company
17 says."

18 Q. Now, where were you born and raised?

19 A. Puerto Rico.

20 Q. Where in Puerto Rico?

21 A. Yabucco, Puerto Rico.

22 Q. Were you treated differently there than you were in
23 this plant?

24 MR. LICHTEN: Objection.

EXHIBIT 3

1 MR. LICHTEN: Objection.

2 A. I thought that well, like I said before, that before
3 the union would speak to him, that first, they would
4 go to their office.

5 Q. Now, do you think that their going to the office
6 instead of dealing with you was discriminatory with
7 respect to you and with respect to the workforce?

8 MR. LICHTEN: Objection.

9 A. Yes.

10 Q. Could you explain why.

11 MR. LICHTEN: Objection.

12 A. Because he would go to the office and whatever the
13 office would say, that's what they would tell us
14 that's what -- us do.

15 Q. Is it safe to say that you and the other Hispanic
16 workers were denied a voice in the process?

17 MR. LICHTEN: Objection.

18 A. Yes.

19 Q. And do you believe that the motive for doing that
20 was to keep your wages as Hispanics very, very low?

21 MR. LICHTEN: Objection.

22 A. Yes.

23 Q. And do you see the attorney laughing?

24 A. Yes.

1 Q. Does that seem insulting to you?

2 A. Yes.

3 Q. Is it a form of intimidation or humiliation being
4 expressed --

5 MR. LICHTEN: Mr. Berger, you're
6 getting a little out of control here.

7 A. Yes.

8 MR. BERGER: Could I get the last
9 question before the laughter.

10 (Question read)

11 Q. Can you answer that, please.

12 A. No. I don't think so, but since we all have rights,
13 the fact that we're Hispanics and we didn't speak
14 the language, they would take vengeance on us
15 because of that.

16 Q. Take advantage of you?

17 THE INTERPRETER: Vengeance.

18 Q. Okay. But do you mean take advantage of you?

19 A. Yes, like discriminating me.

20 Q. Now, did the union similarly act in a way that was
21 motivated to get your union contributions without
22 shaking the boat with the employer at this point?

23 MR. LICHTEN: Objection.

24 A. No. The first thing they would do is they would go

1 to the office first and would talk to the people in
2 the office. And for instance, we would ask for,
3 like, a dollar raise or something like that, they
4 would say no, no. We'll give them 15, 20 cents.

5 Q. Okay. And do you think this was as a result of the
6 fact that the workforce was entirely Hispanic?

7 MR. LICHTEN: Objection.

8 A. Yes.

9 Q. Now, at any time, did the union invite any of you
10 Hispanic workers to their quarterly -- excuse me.

11 Did the union ever invite you or any
12 of your Spanish coworkers to their quarterly
13 meetings?

14 A. No.

15 Q. Why not?

16 A. That I know of, because they would negotiate amongst
17 themselves.

18 Q. Now, did the union ever put up bulletin board for
19 you to give you information about anything?

20 A. No.

21 Q. Did the union provide any assistance to you about
22 the people who had suffered injuries like loss of
23 fingers, cutting of the face, and this kind of
24 thing?

1 MR. LICHTEN: Objection.

2 A. No.

3 Q. Tell me, is there any doubt in your mind whether
4 they know about people who had lost their fingers
5 and people who had been cut on their face?

6 MR. LICHTEN: Objection.

7 A. Yes, I know I've seen them. There have been many
8 accidents there.

9 MR. LICHTEN: Move to strike. Not
10 responsive.

11 Q. So you observed many accidents?

12 MR. LICHTEN: Objection.

13 A. Yes.

14 Q. Can you tell us about what you observed.

15 A. There was the accident with Jose Ortiz. I was
16 present then when the machine cracked [verbatim]
17 his finger.

18 Q. And did he scream?

19 A. No. He didn't scream, but he was, like, holding it
20 in.

21 Q. In fact, didn't the employer make him work an extra
22 15 minutes before he was relieved?

23 MR. LICHTEN: Objection.

24 A. No, no.

1 Q. How did it work? What happened?

2 A. He was cleaning the machine, and afterwards, the
3 machine was still running, and then the machine
4 cracked his finger, cut it.

5 Q. And how old was that machine?

6 MR. LICHTEN: Objection.

7 A. An antique.

8 Q. A hundred years; do you think?

9 A. Yeah.

10 Q. Did the union ever look at any of machines like this
11 one where this accident happened?

12 A. No.

13 Q. You were going to describe other injures that
14 happened there?

15 A. Yes. There were people there too.

16 Q. Now, did the union ever make sure that the plant
17 complied with federal laws like the Occupational
18 Safety Act?

19 MR. LICHTEN: Objection.

20 A. I don't know. I don't know.

21 Q. Okay. Well, did the union make sure that the
22 federal safety laws were complied with?

23 MR. LICHTEN: Objection.

24 A. No.

1 Q. Did they ever come to see whether any of you were
2 protected from the fires?

3 MR. LICHTEN: Objection.

4 A. No.

5 Q. And how about for the handling of paints and
6 chemicals?

7 A. No.

8 Q. Did, in your opinion, the union care about what
9 happened to the safety of the people in this plant
10 that consisted solely of Hispanics?

11 MR. LICHTEN: Objection.

12 A. No. They never cared for anything, no.

13 Q. And you're not a member of the Upholstery Workers
14 Union, are you? You're a member of the Steelworkers
15 union?

16 MR. LICHTEN: Objection.

17 A. Yes.

18 Q. You were in the Steelworkers union; right?

19 A. Yes.

20 Q. At any time, did the Steelworkers union provide you
21 any training, especially someone like you, who had
22 been the supervisor so that you could have more
23 skills in the workplace?

24 MR. LICHTEN: Objection.

1 A. No.

2 Q. Now, some individual was cut by a grinder and cut
3 three fingers -- were cut. I think it was an
4 earlier testimony. It was Jose Ortiz's uncle?

5 MR. LICHTEN: Objection. Move to
6 strike.

7 Q. Do you know anything about that?

8 A. No. I knew of Jose Ortiz, that he cut his finger.

9 Q. And how about Mr. Baez; did you know about his
10 accident?

11 MR. LICHTEN: Objection.

12 A. No.

13 Q. Were there some grinder machines there?

14 A. Yes.

15 Q. How old were they?

16 A. They're old. They're antique. They're so old they
17 don't even have replacement parts or pieces for
18 those machines.

19 Q. And would you be surprised that somebody cut three
20 of their fingers on a machine like that?

21 MR. LICHTEN: Objection.

22 Q. Is this gentleman laughing at you?

23 MR. LICHTEN: Again, I'm smiling at
24 your question that you would ask someone to engage

1 A. Because they would never help us.

2 Q. Please explain what you mean.

3 A. Because on certain occasions, I was obligated -- we
4 were obligated to work overtime. And sometimes,
5 they would make us -- make me extinguish fires by
6 ourselves. Sometimes I would have to get on top of
7 a room myself to extinguish a fire on top of a
8 machine, and all of that smoke, I was inhaling.

9 Q. In effect, did the union exploit you the way
10 employers exploit Hispanic workers?

11 MR. LICHTEN: Again, I think your
12 questions are completely --

13 MR. BERGER: You cannot put the sock
14 in someone's mouth. Please let the man answer.

15 MR. LICHTEN: For the record, I think
16 your questions are inappropriate. They're out of
17 bounds and sanctionable.

18 MR. BERGER: I think everything that
19 you did in the hallway borders on the ridiculous.
20 Screaming at another lawyer in the hallway. I was
21 embarrassed for you. So don't preach at me.

22 THE INTERPRETER: I'm sorry. Could
23 you repeat the question, please.

24 (Question read)

EXHIBIT 4

1 and there's no time frame so I object to it.

2 A. Exactly.

3 Q. Okay.

4 MR. LICHTEN: Let the record reflect
5 that Mr. Berger has called his client out into the
6 hallway.

7 (Brief pause)

8 MR. LICHTEN: Let the record reflect
9 that the witness is back in the room, having
10 conferred with his legal counsel.

11 Q. Do you recall what your seniority date was at the
12 company -- what seniority date you were assigned at
13 Farnsworth Fibre?

14 A. I don't understand the question.

15 Q. You said that you believed that someone with less
16 seniority than you got a job, a daytime job, that
17 you have should have gotten; is that right?

18 A. Yes.

19 Q. Okay. And do you know what the company was using as
20 your seniority date, that is, you know, what the
21 company was using as your seniority date?

22 A. The initial date, the first day when I started my
23 job.

24 Q. Which was in 1990?

1 know?

2 A. Yes.

3 Q. And did you vote for him to be the union steward?

4 A. Yes.

5 Q. Okay. Did you ever bring any complaints or
6 grievances or concerns to him from the time he
7 became the union steward to the time the plant
8 closed?

9 A. I don't remember.

10 Q. Okay. Did you ever attempt to call the Steelworkers
11 union office about a problem or a concern that you
12 were having at work?

13 A. No, because they wouldn't allow us to call them
14 personally. Instead, they would have to hear it
15 from our union representative.

16 Q. And who told you that?

17 A. The same president from the union.

18 Q. Who was that?

19 A. The president before that and the one that is
20 president now, but I don't remember their names.

21 Q. Okay. And when you say "president," do you mean the
22 representative from the Steelworkers union, or -- do
23 you mean the representative?

24 A. The representative, the person that goes to the

1 company or whatever company. Whenever there's a
2 problem, the person that comes from their office.

3 Q. I see. And when did they tell you this?

4 A. The next one, I don't remember, the last one, but
5 the one that is there now.

6 Q. That is -- he's a black man?

7 A. Because at that moment, they had switched presidents
8 or representatives. At the time when they switched
9 them, we didn't know who the person was. We only
10 found out that there was another person assigned to
11 that post when they renewed, when there was some
12 sort of renewal. So we called him so we can get to
13 know who he was.

14 Q. Okay.

15 A. So that's when he told us that instant that we
16 couldn't call him personally, but instead, we should
17 refer our problem to the person in charge in our
18 factory so that he would call him.

19 Q. "Him," being the union representative?

20 A. Exactly.

21 Q. I see. And were you at a meeting when -- do you
22 understand that the union rep that you're talking to
23 was Mr. Alexander who happens to be black?

24 A. He's the union representative.

1 Q. Okay. And if I understand it, you were at a meeting
2 where he said words to the effect, If any of you
3 have a problem, you should contact the union
4 steward, and he'll contact me?

5 A. Yes.

6 MR. BERGER: Can I hear that question
7 again before you answer. Can I hear the question
8 and answer.

9 (Question and answer read)

10 MR. BERGER: Objection. Move to
11 strike.

12 Q. And do you recall when that meeting was?

13 A. I don't remember the date exactly, but I do remember
14 that it might have been the second visit that he
15 made.

16 Q. Okay. And did he have someone with him at the time?

17 A. I don't remember quite well if he came alone.

18 Q. Do you recall if he had a woman with him that helped
19 him translate?

20 A. He came over to our place with her on two occasions,
21 but I don't remember the dates, which one of the
22 two.

23 Q. And do I understand the first time he came over was
24 because he was contacted by the employees and asked

EXHIBIT 5

1 A. I couldn't tell you. I am not clear on
2 that.

3 Q. Was it a notice from the workers'
4 compensation board?

5 A. It was something similar, but I am not clear
6 about it.

7 Q. Did you ever get invited to the quarterly
8 meetings of the Steelworkers?

9 A. No, never.

10 MR. BERGER: No further questions.

11 MR. LICHTEN: Nothing further.

12 Thank you.

13 (Whereupon the deposition was
14 concluded at 11:57 a.m.)
15
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17
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24

EXHIBIT 6

1 heart condition?

2 A. When I went to the hospital, they gave me a checkup,
3 but I don't remember the date.

4 Q. Was it before or after you stopped working at
5 Farnsworth Fibre?

6 THE INTERPRETER: I mean, that he
7 went to the hospital?

8 MR. LICHTEN: Yes, exactly.

9 A. When I stopped working, yes.

10 Q. So if I understand what you're saying, you believe
11 that your work at Farnsworth Fibre caused you to
12 have this heart condition; is that right?

13 A. Yes, because my job was really hard. They exploited
14 me there, and I used to work with all this different
15 [verbatim] tanks. Different tanks, I would take
16 paint from one tank and put it in another tank.

17 Q. Have any of your doctors told you that your heart
18 condition was caused by your work at Farnsworth
19 Fibre?

20 A. Yes. I left that place for a while because a
21 problem that I have with my lung or my lungs, and
22 they gave me some sort of pills, medication, to see
23 if it would clear them up, but --

24 Q. Let me ask you: Have any of your doctors told you

1 that your medical condition was caused by the work
2 at Farnsworth Fibre?

3 A. No. The doctors haven't said that to me.

4 Q. Have you filed any Workers' Compensation claim as a
5 result of your -- the medical condition that you
6 believe was caused by Farnsworth Fibre?

7 A. No.

8 Q. What was your job at Farnsworth Fibre for the last
9 couple of years?

10 A. I prepared these tanks.

11 Q. What was in the tanks?

12 A. It's paint, prepare the paint.

13 Q. What was the paint used for?

14 A. To paint the material.

15 Q. How much were you getting paid when you stopped
16 working at Farnsworth Fibre?

17 A. I used to make 10.85 an hour.

18 Q. And was there overtime work -- did you work overtime
19 at Farnsworth Fibre?

20 A. Yes.

21 Q. And did you work a lot of -- in the last several
22 years before you stopped working at Farnsworth
23 Fibre, about how much overtime would you estimate
24 you worked on average each week?

1 Q. So did you wear the same uniform every day?

2 A. No. It wasn't a uniform. It was like --

3 Q. There was no uniform?

4 A. Plain clothes.

5 Q. Did you take any shower after you did your job?

6 A. No. Not there, no.

7 Q. How often --

8 A. There were no showers there.

9 Q. And how often did you change your clothes?

10 A. I would bring my own clothes to work.

11 Q. Was there a changing station?

12 A. No.

13 Q. So what did the chemicals smell like?

14 A. It smelled like paint, like strong paint.

15 Q. And do you know what was in the paint?

16 A. No, I don't know.

17 Q. Now, how many years did you work with the paint?

18 A. 18 years.

19 Q. And what are your problems with your lungs?

20 A. Sometimes I don't breathe at all, and I cough or
21 spit blood.

22 Q. How much blood do you spit?

23 A. Sometimes two or three times a week. Now, I don't
24 spit as much blood as I used to before because I'm

1 taking the pills and I'm not there.

2 Q. Did you go to the doctor because you were spitting
3 blood?

4 A. Yes.

5 Q. And who is your doctor?

6 A. Manfio, M-A-N-F-I-O.

7 Q. Now, when you were working there, did the union ever
8 supervise -- did the union even look at where you
9 worked?

10 A. No.

11 Q. Were you aware that they had meetings four times a
12 year?

13 A. No, because I was working the night shift. And if
14 they would come, they would come in the morning at
15 10.

16 Q. Do you have any other friends who spit blood?

17 MR. LICHTEN: Objection.

18 A. No. On the second floor, they would do some testing
19 for people's lungs with some sort of pump on the
20 second floor. To the people upstairs, they would do
21 this testing, but they wouldn't test me.

22 Q. Why not?

23 A. I don't know.

24 Q. Now, during the entire period you were there, did

EXHIBIT 7

1 Q. Now, did he recruit you?

2 A. Yes. He told me that they needed people to
3 work there.

4 Q. When you first arrived, did you fill out any
5 paperwork for the United Steelworkers?

6 A. Yes.

7 Q. Were those pension forms?

8 A. Yes. We would fill out, yes.

9 Q. And do you recall that those pension forms
10 went to Pittsburgh, Pennsylvania?

11 A. I don't know.

12 Q. Now, were you ever invited to any meetings
13 of Local 421 of the United Steelworkers of
14 America?

15 A. No, I never received anything.

16 Q. Did they have a place where they posted
17 notices at the plant at Sherman-Feinberg?

18 A. If they put any papers there, I don't know.
19 Since I don't speak English, I never
20 actually checked.

21 Q. There was nothing in Spanish?

22 A. No.

23 Q. In 1995, what kind of work did you do?

24 A. This thing with the machinery, the same

1 MR. LICHTEN: Objection.

2 A. They said nothing. They didn't say anything
3 to us about it, and they didn't protect us.
4 It is, like I said, they just abandoned us.
5 We have a family, and we just ended up in
6 midair practically.

7 Q. So let me come back to midair in just one
8 minute. Were you aware of anything in the
9 agreement to protect you when the plant
10 closed?

11 A. No.

12 Q. Now, do you believe that the union treated
13 you differently because you are Hispanic?

14 MR. LICHTEN: Objection.

15 Q. I will rephrase it. Was everybody in the
16 plant Hispanic?

17 A. Almost all. All of them.

18 Q. And do you think that the people who worked
19 there were treated fairly by the union?

20 MR. LICHTEN: Objection.

21 A. No.

22 Q. Why do you say that?

23 A. Because they were supposed to, when they
24 closed the factory, they were supposed to

1 offer us something, some type of a job in a
2 another state or something. But, for
3 instance, if they said, we have another job
4 that you can go to, for instance, in
5 Providence, then you go. Okay. In
6 Providence there is a job, then I would move
7 there with my family.

8 Q. Did the union ever tell you that they had
9 gotten protections for people for plant
10 closings in other places?

11 MR. LICHTEN: Objection.

12 A. No.

13 Q. Let me go through some things to refresh
14 your recollection. They didn't mention to
15 you BB Rubber?

16 MR. LICHTEN: Objection.

17 A. No.

18 Q. Did they mention to you Roseboro Plastics?

19 MR. LICHTEN: Objection.

20 A. No.

21 Q. Did they mention Sealy Mattresses?

22 A. No.

23 Q. Now, can you tell us what happened to you
24 emotionally after you lost your job at the

EXHIBIT 8

1 questions.

2 MR. BERGER: I have some questions.

3
4 EXAMINATION

5 BY MR. BERGER:

6 Q You worked for, according to this form,
7 around 42 hours on the negotiation of the contract
8 proofing; is that correct?

9 A (Through the Interpreter) Yes, because I
10 could do this after I was finished with my -- after
11 I was finished working. And then we spent a little
12 time afterwards with Kenny and everything talking
13 about it.

14 Q Did Kenny ever talk to you about
15 inserting plant-closing language into the
16 agreement?

17 THE INTERPRETER: I'm sorry, I didn't
18 hear that. Did Kenny ever talk to you --

19 Q Did Kenny ever talk to you about
20 inserting plant-closing language into the
21 agreement?

22 A (Through the Interpreter) No, he never
23 said anything.

24 Q Never during those 42 hours?

1 A (Through the Interpreter) No.

2 Q Did he ever mention the plant closings at
3 Sealy mattress?

4 A (Through the Interpreter) No, no. I just
5 remember that day, the owner got us all together,
6 and they told us they were going to close the
7 factory.

8 Q Did he ever -- did he ever talk to you
9 about BB Rubber?

10 THE INTERPRETER: I know BB Rubber,
11 but when you say "he," "he" who?

12 BY MR. BERGER:

13 Q Did Mr. Alexander ever talk to you about
14 BB Rubber?

15 A (Through the Interpreter) What is that?

16 Q So you never heard of it?

17 A (Through the Interpreter) No.

18 Q And where is the workforce in your plant
19 from?

20 A (Through the Interpreter) From Puerto
21 Rico.

22 Q Now, are you a member of the Steelworkers
23 Union?

24 A (Through the Interpreter) Well, from

1 that, yes, that's what the union is.

2 Q Okay.

3 So you're not a member of the --
4 you're a member of the Steelworkers, and you're a
5 member of Local 421-U?

6 A Yes. The card says Steelworkers. It
7 also says 421-U.

8 Q Did you know that you were in an
9 Upholstery Workers Union and not the Steelworkers?

10 A (Through the Interpreter) No, that we
11 didn't know until now is I get to find out about
12 it.

13 Q So the letters that you got were -- there
14 must be some letter in here from the Steelworkers,
15 one of these exhibits?

16 MR. DIAZ: Here.

17 Q Will you look at this letter real
18 carefully and see if there's any reference
19 anyplace -- with the translator -- that refers to
20 you being an upholstery worker in connection with
21 this letter?

22 A (Through the Interpreter) No, it doesn't
23 say. What it says is steelworker.

24 Q Did you ever during this 42 hours that

1 you were working on the negotiations, did you ever
2 discuss something called the Roseboro Plastics?

3 A (Through the Interpreter) No, they never
4 mentioned that.

5 Q Now, the final agreement -- the very
6 final agreement that was signed by everybody, was
7 there one set in English and one set in Spanish?

8 Did you get the final draft --

9 MR. LICHTEN: I'm sorry, was there an
10 answer?

11 THE INTERPRETER: I didn't hear an
12 answer. I just translated. He didn't answer.

13 MR. LICHTEN: Well, I --

14 A (Through the Interpreter) Are we talking
15 about the contract that was written in Spanish?

16 Are we talking about the signatures
17 on the back?

18 Q Yes.

19 The very final agreement, was it in
20 English or Spanish?

21 A (Through the Interpreter) In English.
22 Everything was done in English. And then
23 afterwards, translated in Spanish.

24 Q Okay.

1 union you used to deal with, correct?
 2 A (Through the Interpreter) Yes.
 3 Q But we understand that he retired on or
 4 about 1999?
 5 A (Through the Interpreter) If not -- if
 6 not, there was another guy, another guy there after
 7 Dominic, but he was also kind of chubby and fat,
 8 and he was --
 9 Q Now, do me a favor. You've got money on
 10 you? You're going to have to pay a dollar each
 11 time you cut somebody off, okay?
 12 MR. DIAZ: Translate that to him. I
 13 can do it in Spanish, but --
 14 A (Through the Interpreter) Okay.
 15 Q Each time you do it, you've got to pay a
 16 dollar, okay?
 17 A (Through the Interpreter) That's fine.
 18 Q So after Dominic but before Lowell
 19 Alexander, there was an individual you described as
 20 a chubby, bald-headed guy, correct?
 21 A (Through the Interpreter) Yes.
 22 Q You don't know his name?
 23 A (Through the Interpreter) No, I don't
 24 remember.

1 Q He didn't speak Spanish, to the best of
 2 your ability?
 3 A (Through the Interpreter) No, he was like
 4 Italian.
 5 Q Did he have any meetings? Did he come to
 6 the company to express what the union was there to
 7 protect and serve?
 8 A (Through the Interpreter) He came over
 9 once, like him, only the first time.
 10 Q So when Santiago Perez left and you
 11 became the head union representative --
 12 Correct?
 13 A (Through the Interpreter) Yes.
 14 Q -- did you receive any training from
 15 anyone at the union as to what the proper grievance
 16 procedure or what the proper procedure was to
 17 communicate with which parties at any time?
 18 A (Through the Interpreter) No.
 19 Q So is it fair to say you didn't really
 20 understand what the proper procedure was, other
 21 than what your own interpretation was as to what
 22 process to follow; is that correct?
 23 A (Through the Interpreter) Yes.
 24 Q And is it fair to say that no one from

1 the United Steelworkers of America and/or Local
 2 421-U ever came to you to find out what your
 3 proficiency in English was, correct?
 4 A (Through the Interpreter) No, they
 5 didn't.
 6 Q And I'm changing gears to another area.
 7 Whenever Mr. Lowell Alexander told
 8 you about any meetings and you didn't have a
 9 vehicle, was there any other form of transportation
 10 or was there any other offer from the union as to
 11 how to get you to a meeting or make sure that you
 12 understood where the meetings were in advance so
 13 that you could have made appropriate arrangements?
 14 A (Through the Interpreter) No.
 15 Q Changing gears to the last area of
 16 questions I'm asking you, is it fair to say that
 17 prior to the two weeks prior to the plant closing,
 18 that Kenny told you the plant was closing, it came
 19 as a surprise to you and the other workers that the
 20 plant was closing?
 21 A (Through the Interpreter) Yes.
 22 Q And when you told Mr. Lowell Alexander
 23 about it immediately, he came to the plant,
 24 correct?

1 A (Through the Interpreter) No. At that
 2 time, no, because he was in negotiations with
 3 something else, and I let the girl know.
 4 Q And the girl meaning the young lady who
 5 was the interpreter?
 6 A (Through the Interpreter) Yes.
 7 Q But then at some point, Mr. Lowell
 8 Alexander showed up, correct?
 9 A (Through the Interpreter) Yes.
 10 Q From the time that Lowell Alexander was
 11 aware of the plant closing up to the present day,
 12 have you and/or any of the other coworkers you had
 13 at Farnsworth Fibre ever been offered another
 14 position within the union or has the union ever
 15 offered to help find you employment within the
 16 United Steelworkers of America?
 17 A (Through the Interpreter) No.
 18 MR. DIAZ: No further questions.
 19 Thank you.
 20 MR. LICHTEN: I just have one
 21 question.
 22 FURTHER EXAMINATION
 23 BY MR. LICHTEN:
 24 Q You mentioned a while ago that some union

EXHIBIT 9

1 MR. LICHTEN: I'll stick with the
2 question.

3 THE INTERPRETER: Could you repeat
4 the question, please?

5 MR. LICHTEN: Yes. You can repeat
6 the question?

7 MR. BERGER: In addition, it's asked
8 and answered. He said he doesn't remember.

9 MR. LICHTEN: I'll stick with the
10 question.

11 MR. BERGER: Can you tell him what I
12 said?

13 THE INTERPRETER: Okay.

14 MR. LICHTEN: Can you read back the
15 question now? Thank you.

16 (Record read as requested.)

17 MR. BERGER: Objection. Move to
18 strike.

19 A (Through the Interpreter) They didn't
20 protect me. They didn't protect us.

21 BY MR. LICHTEN:

22 Q Okay. Can you tell me what specifically
23 you believe the union should have done to protect
24 you that they did not do?

1 A (Through the Interpreter) They closed the
2 factory, and we were not -- we were not notified in
3 any way that they were going to close.

4 They didn't do anything to protect
5 us.

6 Q And are there specific things that you
7 believe the United Steelworkers of America could
8 have done that they did not do to protect you
9 against the closing of this plant?

10 MR. BERGER: Objection. Move to
11 strike.

12 Request another question since that
13 really is a very speculative question for him.
14 He's not a union official.

15 MR. LICHTEN: I'll stay with the
16 question, if you want to read it back.

17 (Record read as requested.)

18 MR. BERGER: Objection. Move to
19 strike.

20 A (Through the Interpreter) They didn't
21 help us in any way. I would pay the union dues
22 there for nothing.

23 Q And, again, my question is are there
24 specific things that you believe they should have

1 A (Through the Interpreter) No, I don't
2 remember right now.

3 Q Okay.

4 Do you remember anything -- did you
5 say anything at the meeting that you attended?

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7 always let myself to hear, to listen.

8 Q Okay.

9 Are you aware of any instance in
10 which someone -- in which an employee at Farnsworth
11 complained about working conditions or that the
12 workplace was unsafe?

13 A (Through the Interpreter) No. Almost at
14 any time, we have to --

15 THE INTERPRETER: Verbatim.

16 A -- flee the place, because all of a
17 sudden, something could catch fire often, and all
18 of us would have to just flee the place all the
19 time.

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21 you know or anyone that you're aware of, did anyone
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23 any of these unsafe conditions?

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3 threat of sanctions, I feel it's in my client's
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6 subprofessional. I would like you to rephrase it.

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8 back the question, please?

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11 she was sort of like pedantic, repugnant.

12 MR. DIAZ: If I may, arrogant? Is
13 that what you --

14 THE INTERPRETER: "Repugnante" is
15 repugnant.

16 MR. DIAZ: Obnoxious.

17 THE INTERPRETER: "Repugnante" is
18 repugnant. That's the word, and the synonym is
19 pedantic. They're both the same word.

20 MR. DIAZ: I defer to my brother.

21 A (Through the Interpreter) She spoke in a
22 bad way.

23 Q And when you say she spoke in a bad way,
24 what does that mean, she spoke in a bad way?

1 A (Through the Interpreter) Like she was
2 like -- like she was in favor of the person she was
3 with, that she didn't --

4 She wouldn't answer our questions
5 properly. She wouldn't use an appropriate answer,
6 and she was leaning -- she would take their side of
7 it.

8 Q Just so I'm clear, was she interpreting
9 what others were saying, or was she giving
10 information and making statements on her own and
11 not interpreting?

12 MR. DIAZ: Let me object to the form,
13 Harold, because -- and if I may just make a
14 commentary, because if you establish that he knew
15 English, then he could know if she's making
16 commentary or interpreting.

17 So with that in mind, he can answer
18 it if he knows --

19 MR. LICHTEN: Yes, that's right.

20 MR. DIAZ: If he understands.

21 MR. LICHTEN: That's a fair
22 statement.

23 A (Through the Interpreter) No, no.

24 Q Did she say anything to make you believe

1 many times did you meet Mr. Alexander, the person
2 sitting next to me?

3 A (Through the Interpreter) I don't
4 remember.

5 Q Do you ever recall him saying or doing
6 anything that made you think that he was biased
7 against Hispanics?

8 A (Through the Interpreter) Because -- I
9 don't know, because he would never get together
10 with me.

11 Q When you say he would never get together
12 with you, did you ever ask to meet with him?

13 Did you ever ask to meet with him?

14 A (Through the Interpreter) I don't
15 remember.

16 Q Okay.

17 Did you ever ask Mr. Ortiz, the union
18 steward, to arrange a meeting with the Steelworkers
19 so that you could make any complaints or express
20 any grievances?

21 A (Through the Interpreter) I don't
22 remember.

23 Q Other than the plant closing, are there
24 any wages or benefits or other monetary things that

1 for you?

2 A (Through the Interpreter) None.

3 Q What training program did the union have?

4 A (Through the Interpreter) When the union
5 would go there, first they would go to their office
6 first.

7 Q Okay.

8 Now, what equipment did the union
9 ensure was available for you?

10 A (Through the Interpreter) None.

11 Q So that we can make this clear, did you
12 say there were fires often in the plant?

13 A (Through the Interpreter) Because of the
14 bad stuff, the conditions, the bad conditions the
15 factory was in.

16 Q Okay.

17 MR. LICHTEN: Objection. Move to
18 strike. Nonresponsive to the question.

19 MR. BERGER: What's nonresponsive to
20 the question?

21 MR. LICHTEN: It was a yes or no
22 question.

23 MR. BERGER: Okay. Fair enough.

24 BY MR. BERGER:

1 Q First thing is did you say there were
2 fires often in the plant earlier?

3 A (Through the Interpreter) Yes.

4 Q Okay.

5 Describe to us in detail the nature
6 of the fires in the plant.

7 A (Through the Interpreter) Because there
8 were a lot of machines, machinery that was on, that
9 was turned on. And because of that, the
10 temperature was very, very hot.

11 Q And there were fires during the entire
12 time that you were employed at the plant, correct?

13 A (Through the Interpreter) Yes.

14 Q Right until November of 2003?

15 A (Through the Interpreter) Yes.

16 Q How many people were hurt as a result of
17 these fires?

18 A (Through the Interpreter) No, because if
19 we didn't call the fire department, we would sort
20 of extinguish the fire with fire extinguishers.

21 Q Okay.

22 Did they provide any protection for
23 your breathing when there were constant fires at
24 this plant?

1 MR. LICHTEN: Who is "they"?

2 Objection to the form of the
3 question.

4 MR. BERGER: Go ahead. Answer it.
5 Obviously you know what I mean.

6 A (Through the Interpreter) No. We had to
7 take the water ourselves with all the smoke and
8 everything, we had to take everything outside.

9 Q Did the union help you in any way about
10 this continuing fire situation?

11 A (Through the Interpreter) No.

12 Q Okay.

13 Could you tell us what you mean when
14 you said that the union left you like dogs?

15 MR. LICHTEN: Objection to the form.

16 MR. BERGER: Okay, I'll rephrase it.

17 Q Did you use the phrase the union "left
18 you like dogs"?

19 MR. LICHTEN: Objection to the form.

20 A (Through the Interpreter) Yes.

21 Q What did you mean?

22 MR. LICHTEN: Objection.

23 MR. BERGER: What's your objection
24 now? It's a term he used. What does it -- I mean

1 this is getting ridiculous.

2 MR. DIAZ: Let's keep on with the
3 questioning.

4 MR. BERGER: It's ridiculous.

5 Q Go ahead.

6 MR. DIAZ: He objected, but he's not
7 telling him not to answer. He objected because he
8 wants to preserve his rights.

9 If I misunderstand, let me know.

10 MR. BERGER: Let me start it again.

11 BY MR. BERGER:

12 Q Did you use the term that the union "left
13 you like dogs"?

14 MR. LICHTEN: Objection.

15 A (Through the Interpreter) Yes.

16 Q What did you mean?

17 MR. LICHTEN: Objection.

18 A (Through the Interpreter) Because they
19 didn't pay attention to whatever was said there.

20 Q Do you also have strong feelings about
21 the role of the union in the fires?

22 MR. LICHTEN: Objection.

23 A (Through the Interpreter) They never did
24 anything about it.

1 very irresponsible.

2 Q Okay.

3 Well, let me concentrate on during
4 the time that you were at Farnsworth Fibre.

5 Other than Jose Ortiz, were there
6 any -- was there anything in place for you as a
7 worker to know what process to follow in case
8 Mr. Ortiz was not at the job, was not doing his
9 job, or if you needed to contact someone directly
10 at either Local 421-U and/or United Steelworkers of
11 America?

12 A (Through the Interpreter) No, they didn't
13 tell me anything.

14 Q For example, was there a work area where
15 employees could have a posting so that they could
16 have something in Spanish saying contact the
17 Steelworkers at this number, we have a complaint,
18 or contact Local 421-U if you have a complaint,
19 something in Spanish with a phone number so that
20 you can contact someone directly?

21 A (Through the Interpreter) No.

22 Q Have you prior to November of 2003 known
23 individuals who are members of other unions?

24 A (Through the Interpreter) No.

1 A (Through the Interpreter) No.

2 Q Did they ever offer you at any time prior
3 to your being notified of the plant closings any
4 opportunity for job training, for advancement or to
5 move somewhere else where the union may have had
6 jobs, let's say, Cleveland, Ohio, or any other part
7 of the country?

8 A (Through the Interpreter) No.

9 Q Okay.

10 I suppose the next question may not
11 be allowed, but let me ask it anyway.

12 Were you in a position where if the
13 United Steelworkers of America had notified you
14 when the plant was closing that there was work in
15 another place, were you able to relocate?

16 A (Through the Interpreter) Yes.

17 Q Okay.

18 MR. DIAZ: No further questions.

19 MR. LICHTEN: I have a few more
20 questions, just to follow up.

21

22 FURTHER EXAMINATION

23 BY MR. LICHTEN:

24 Q What training are you claiming the

EXHIBIT 10

Page 21

[1] Q: What are the union dues for the guys in
[2] Farnsworth and Sherman-Feinberg?
[3] A: 1.3 percent or two and a half hour max for
[4] the —
[5] Q: And what's the — what kind of income do
[6] these guys make, an average? Okay. I know there
[7] are varieties of seniority.
[8] A: Right.
[9] Q: But these guys make about 25 grand, right?
[10] A: I couldn't tell you. I really don't know.
[11] I know what the hourly wage is in the contract.
[12] Q: Okay. What's the hourly wage?
[13] A: I believe it starts off at — I'm trying to
[14] think — 7 something.
[15] Q: So let's figure it out.
[16] A: That's entry, entry level.
[17] Q: So what percentage of that 7 bucks goes
[18] into union dues?
[19] A: It would be 1.3.
[20] Q: And then at the high end, if somebody's
[21] making 20 bucks an hour?
[22] A: The 1.3.
[23] Q: Pardon me?
[24] A: 1.3 percent.

Page 22

[1] Q: Okay. And the paycheck they have has a
[2] dues checkoff — I mean, a number of things, right,
[3] their paycheck?
[4] A: I don't know. I've never seen their
[5] paycheck.
[6] Q: Oh, okay. The thing you get from the
[7] international has some withholding for your union
[8] pension fund, right?
[9] A: I don't receive any of that. It all goes
[10] to Pittsburgh.
[11] Q: No, I understand. When you get a paycheck
[12] face itself, okay, it has some checkoffs, right, for
[13] your pension fund or —
[14] A: For my personal?
[15] Q: Yeah.
[16] A: Okay.
[17] Q: I mean, it's not written by —
[18] A: Yes.
[19] Q: Okay.
[20] A: Okay.
[21] Q: So, it has — it's broken down. Now, what
[22] areas is it broken down in? We have pension
[23] contribution, right?
[24] A: On mine, no. I don't believe mine has

Page 23

[1] pension.
[2] Q: Health and welfare?
[3] A: You mean medical?
[4] Q: Uh-huh.
[5] A: Yes, mine does.
[6] Q: Okay. And does it have political action
[7] committee?
[8] A: I believe so, yes.
[9] Q: And do you have any reason to believe that
[10] their paycheck would look any different from yours?
[11] Maybe if you'd just compare them. In fact, would
[12] you mind giving me a copy of your paycheck through
[13] your counsel?
[14] MR. LICHTEN: Yes, I mind.
[15] MR. BERGER: Well, then, I'll make a
[16] request for it on the record under Rule 26, whatever
[17] it is.
[18] MR. LICHTEN: Okay.
[19] Q: Now, what were the mechanics here? You
[20] prepared the agreement in English. You prepared the
[21] agreement in Spanish. When did you get the
[22] agreement in Spanish to the two men who worked in
[23] the plant, the two representatives?
[24] A: I don't recall.

Page 24

[1] Q: All right. In other words, did they get
[2] the agreement in Spanish before the signing of the
[3] agreement?
[4] A: I honestly don't recall. No. No. It was
[5] not before the signing. Wait a minute. They may
[6] have. They may have gotten it before the signing.
[7] Now that I'm thinking about the process, they may
[8] have.
[9] Q: In mid October did you talk to Jose Ortiz
[10] about the pending shutdown of the facility?
[11] A: Yes.
[12] Q: What did you say?
[13] A: That I had received the letter from the
[14] company notifying us that they were going to be
[15] closing October 31st, and we had a meeting with the
[16] membership.
[17] Q: Now, did you ask for legal advice about
[18] what to do there?
[19] A: Yes.
[20] Q: I mean, talk to a lawyer about it?
[21] A: Yes.
[22] Q: Who did you talk to?
[23] A: Our attorneys in Pittsburgh.
[24] Q: All right. Did you talk to Theresa Merrill

EXHIBIT 11

1 MR. LICHTEN: I'll stick with the
2 question.

3 THE INTERPRETER: Could you repeat
4 the question, please?

5 MR. LICHTEN: Yes. You can repeat
6 the question?

7 MR. BERGER: In addition, it's asked
8 and answered. He said he doesn't remember.

9 MR. LICHTEN: I'll stick with the
10 question.

11 MR. BERGER: Can you tell him what I
12 said?

13 THE INTERPRETER: Okay.

14 MR. LICHTEN: Can you read back the
15 question now? Thank you.

16 (Record read as requested.)

17 MR. BERGER: Objection. Move to
18 strike.

19 A (Through the Interpreter) They didn't
20 protect me. They didn't protect us.

21 BY MR. LICHTEN:

22 Q Okay. Can you tell me what specifically
23 you believe the union should have done to protect
24 you that they did not do?

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2 factory, and we were not -- we were not notified in
3 any way that they were going to close.

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5 us.

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7 believe the United Steelworkers of America could
8 have done that they did not do to protect you
9 against the closing of this plant?

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22 there for nothing.

23 Q And, again, my question is are there
24 specific things that you believe they should have

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14 any time, we have to --

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17 sudden, something could catch fire often, and all
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23 any of these unsafe conditions?

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3 threat of sanctions, I feel it's in my client's
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6 subprofessional. I would like you to rephrase it.

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15 repugnant.

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6 first.

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18 strike. Nonresponsive to the question.

19 MR. BERGER: What's nonresponsive to
20 the question?

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22 question.

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24 BY MR. BERGER:

1 Q First thing is did you say there were
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17 these fires?

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20 of extinguish the fire with fire extinguishers.

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23 your breathing when there were constant fires at
24 this plant?

1 MR. LICHTEN: Who is "they"?
2 Objection to the form of the
3 question.

4 MR. BERGER: Go ahead. Answer it.
5 Obviously you know what I mean.

6 A (Through the Interpreter) No. We had to
7 take the water ourselves with all the smoke and
8 everything, we had to take everything outside.

9 Q Did the union help you in any way about
10 this continuing fire situation?

11 A (Through the Interpreter) No.

12 Q Okay.

13 Could you tell us what you mean when
14 you said that the union left you like dogs?

15 MR. LICHTEN: Objection to the form.

16 MR. BERGER: Okay, I'll rephrase it.

17 Q Did you use the phrase the union "left
18 you like dogs"?

19 MR. LICHTEN: Objection to the form.

20 A (Through the Interpreter) Yes.

21 Q What did you mean?

22 MR. LICHTEN: Objection.

23 MR. BERGER: What's your objection
24 now? It's a term he used. What does it -- I mean

1 this is getting ridiculous.

2 MR. DIAZ: Let's keep on with the
3 questioning.

4 MR. BERGER: It's ridiculous.

5 Q Go ahead.

6 MR. DIAZ: He objected, but he's not
7 telling him not to answer. He objected because he
8 wants to preserve his rights.

9 If I misunderstand, let me know.

10 MR. BERGER: Let me start it again.

11 BY MR. BERGER:

12 Q Did you use the term that the union "left
13 you like dogs"?

14 MR. LICHTEN: Objection.

15 A (Through the Interpreter) Yes.

16 Q What did you mean?

17 MR. LICHTEN: Objection.

18 A (Through the Interpreter) Because they
19 didn't pay attention to whatever was said there.

20 Q Do you also have strong feelings about
21 the role of the union in the fires?

22 MR. LICHTEN: Objection.

23 A (Through the Interpreter) They never did
24 anything about it.

1 very irresponsible.

2 Q Okay.

3 Well, let me concentrate on during
4 the time that you were at Farnsworth Fibre.

5 Other than Jose Ortiz, were there
6 any -- was there anything in place for you as a
7 worker to know what process to follow in case
8 Mr. Ortiz was not at the job, was not doing his
9 job, or if you needed to contact someone directly
10 at either Local 421-U and/or United Steelworkers of
11 America?

12 A (Through the Interpreter) No, they didn't
13 tell me anything.

14 Q For example, was there a work area where
15 employees could have a posting so that they could
16 have something in Spanish saying contact the
17 Steelworkers at this number, we have a complaint,
18 or contact Local 421-U if you have a complaint,
19 something in Spanish with a phone number so that
20 you can contact someone directly?

21 A (Through the Interpreter) No.

22 Q Have you prior to November of 2003 known
23 individuals who are members of other unions?

24 A (Through the Interpreter) No.

1 A (Through the Interpreter) No.

2 Q Did they ever offer you at any time prior
3 to your being notified of the plant closings any
4 opportunity for job training, for advancement or to
5 move somewhere else where the union may have had
6 jobs, let's say, Cleveland, Ohio, or any other part
7 of the country?

8 A (Through the Interpreter) No.

9 Q Okay.

10 I suppose the next question may not
11 be allowed, but let me ask it anyway.

12 Were you in a position where if the
13 United Steelworkers of America had notified you
14 when the plant was closing that there was work in
15 another place, were you able to relocate?

16 A (Through the Interpreter) Yes.

17 Q Okay.

18 MR. DIAZ: No further questions.

19 MR. LICHTEN: I have a few more
20 questions, just to follow up.

21

22 FURTHER EXAMINATION

23 BY MR. LICHTEN:

24 Q What training are you claiming the

EXHIBIT 12

Page 61

[1] version to work with? He worked with the English
[2] version?
[3] **A:** Yes.
[4] **Q:** And so he had reviewed an English version
[5] of the agreement?
[6] **A:** Yes.
[7] **Q:** Okay. Does he have more than an elementary
[8] school education, if you know?
[9] **A:** I don't know.
[10] **Q:** Do you know whether English is his second
[11] language?
[12] **A:** I don't know. I'd be making any assumption
[13] if I said I did.
[14] **Q:** Okay. Isn't it — I mean, is it legal to
[15] give a collective bargaining agreement to someone to
[16] review when it's not in his or her language under
[17] the law?
[18] **MR. LICHTEN:** Objection. I instruct the
[19] witness not to answer.
[20] **Q:** You can answer.
[21] **MR. LICHTEN:** I instructed him not to
[22] answer.
[23] **Q:** Go ahead.
[24] **MR. BERGER:** I heard you.

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[1] **A:** They proofread it, the changes that are
[2] made. I —
[3] **Q:** But it's —
[4] **A:** — proofread the changes —
[5] **Q:** — in English, correct?
[6] **A:** — that are made.
[7] **Q:** All right. Is there a draft of their
[8] edited version?
[9] **A:** I don't have it.
[10] **Q:** All right. Isn't it the truth that they
[11] didn't put in any edits?
[12] **A:** Not that I'm aware of.
[13] **Q:** But, I mean, could they have even put in
[14] any edits in the document in English?
[15] **MR. LICHTEN:** Objection to the form.
[16] **Q:** You know them.
[17] **A:** I don't know.
[18] **Q:** Okay. Let me just ask you. When you're
[19] dealing with Jose, is his accent pronounced?
[20] **A:** He has an accent, yes.
[21] **Q:** Have you ever seen anything written by him?
[22] **A:** No.
[23] **Q:** In your conversations with him, does he
[24] have a working knowledge of grammar, language

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[1] **Q:** Do you know whether it's legal?
[2] **MR. LICHTEN:** I instruct the witness not to
[3] answer.
[4] **MR. BERGER:** And why is that?
[5] **MR. LICHTEN:** Because he's not here to give
[6] legal opinions.
[7] **MR. BERGER:** I don't know how that's
[8] possible. Do you want to enlighten us on that
[9] before we waste a lot of time?
[10] **MR. LICHTEN:** No, you can — I've
[11] instructed the witness not to answer.
[12] **Q:** Anyway, go through the process here.
[13] **A:** What process?
[14] **Q:** The agreement was drafted by the company?
[15] **A:** Yes.
[16] **Q:** It goes to your office?
[17] **A:** A copy goes to me. A copy goes to the
[18] committee.
[19] **Q:** All right. Did you translate it then into
[20] Spanish?
[21] **A:** No.
[22] **Q:** The committee is composed of whom?
[23] **A:** Jose and Miguel.
[24] **Q:** What do they do?

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[1] syntax, verb tense, et cetera, of English?
[2] **A:** I don't know.
[3] **Q:** Well, how many times have you met with him?
[4] **A:** Several.
[5] **Q:** Have you ever socialized with him?
[6] **A:** No.
[7] **Q:** How about the other union steward, how much
[8] education does he have?
[9] **A:** I don't know.
[10] **Q:** How about his use of language, does he
[11] speak with an accent?
[12] **A:** Yes, he does.
[13] **Q:** Has he had more than an elementary school
[14] education?
[15] **A:** I do not know.
[16] **Q:** Okay. How is his use of English language
[17] in terms of syntax, verb coordination, abstract
[18] words like "bargaining agreement"? Does he
[19] understand those things?
[20] **A:** He understood what we were doing.
[21] **Q:** Did you explain what you were doing with
[22] him? Did you go through and explain what
[23] arbitration means —
[24] **A:** No.

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[1] Q: — to these two guys? I mean, no
[2] grievances have been generated by this plant ever.
[3] Correct? We agree about that?
[4] A: None that I'm aware of. None during the
[5] time that I serviced.
[6] Q: Understood. And I suppose we could check
[7] the file to see whether any grievances had ever been
[8] filed, but did you explain to them what arbitration
[9] means?
[10] A: No.
[11] Q: How about authorized agent?
[12] A: No.
[13] Q: How about bulletin board?
[14] A: No.
[15] Q: Check and pay?
[16] A: No.
[17] Q: Check off?
[18] A: No.
[19] Q: Delinquent contributions?
[20] A: No.
[21] Q: Discharge?
[22] A: No.
[23] Q: Employees covered?
[24] A: No.

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[1] Q: Overtime work?
[2] A: No.
[3] Q: Pyramiding?
[4] A: No.
[5] Q: Seniority?
[6] A: No.
[7] Q: Seniority list?
[8] A: No.
[9] Q: Termination and renewal?
[10] A: No.
[11] Q: Trial period?
[12] A: No.
[13] Q: UIU pension trust?
[14] A: No.
[15] Q: Unauthorized strikes?
[16] A: No.
[17] Q: Union security?
[18] A: No.
[19] Q: Vacations?
[20] A: No.
[21] Q: Visits of staff representative?
[22] A: No.
[23] Q: Wages?
[24] A: No.

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[1] Q: Grievance and arbitration?
[2] A: No.
[3] Q: Guilt clause?
[4] A: No.
[5] Q: Health and sanitation?
[6] A: No.
[7] Q: Health, life and disability insurance?
[8] A: No.
[9] Q: Holidays?
[10] A: No.
[11] Q: Hours?
[12] A: No.
[13] Q: Layoff?
[14] A: No.
[15] Q: Management?
[16] A: No.
[17] Q: Military service?
[18] A: No.
[19] Q: No discrimination?
[20] A: No.
[21] Q: No strikes or lockouts?
[22] A: No.
[23] Q: Overtime?
[24] A: No.

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[1] Q: How did you establish for your own
[2] satisfaction that they understood those things?
[3] A: The contract's in place. We were
[4] doing a renewal. You make the assumption that
[5] people are already aware of what's in the
[6] agreement.
[7] Q: What is the grievance and arbitration
[8] process for this plant?
[9] A: I don't know it off the top of my head.
[10] I'd have to look at the agreement.
[11] Q: Did you explain the grievance and
[12] arbitration process to Jose Ortiz?
[13] A: No, I didn't.
[14] Q: How about to the other shop steward?
[15] A: No, I did not.
[16] Q: How were they to know that the complaint or
[17] grievance shall be first taken up with the company
[18] representative and the shop steward selected by the
[19] employees?
[20] A: It's in the agreement.
[21] Q: So when did you translate the agreement
[22] into Spanish?
[23] A: I didn't translate it. It was —
[24] Q: I mean, who translated it for you?

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[1] A: It was the middle of the month when some
[2] people got — when the first — when the second
[3] shift got laid off, and on the 14th, my
[4] understanding, was the last day that anyone worked
[5] there.
[6] Q: Right.
[7] A: That left two more weeks of the month.
[8] Q: And they got medical for that two-week
[9] period?
[10] A: And they were supposed to get medical for
[11] those two — for the additional two weeks.
[12] Q: Everybody wasn't completely laid off yet;
[13] is that right?
[14] A: Some people got laid off a week prior.
[15] Q: Right.
[16] A: On —
[17] *Q: So this would make sure that everybody who
[18] was still there and some of the early ones would
[19] have medical until the end of all of the layoffs?
[20] Did I say that right? I think I did.
[21] MR. BERGER: You want to read that back to
[22] me?
[23] Q: I might have said it a little fast, but I
[24] think I got it.

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[1] Q: And what are their names?
[2] A: Jose Ortiz and Miguel DeJesus.
[3] Q: And did they speak English?
[4] (Mr. Berger exits the room)
[5] A: Jose's English was better than Miguel's.
[6] Q: Now, I take it — what's your Spanish like?
[7] A: I don't speak Spanish.
[8] Q: Okay. And when you say Jose's English is
[9] better than Miguel's, is that to say that Jose is
[10] proficient in English, he's bilingual, or he has a
[11] very limited amount of English that he speaks?
[12] A: Jose didn't have as much of a problem
[13] understanding — understanding me when I spoke with
[14] him as Miguel. Some — I'll say that he didn't have
[15] as much of a problem, and Jose was the one that
[16] generally called.
[17] Q: And when you say Jose is the one who
[18] generally called, called you or you generally
[19] called —
[20] A: Right. He generally called me.
[21] Q: And did you ever go through any checks and
[22] balances to find out how much of what you
[23] communicated with him he actually understood?
[24] A: No.

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[1] *(Question read)
[2] A: Until the end of the month.
[3] Q: Got it.
[4] MR. BERGER: I'm all through, but I will be
[5] seeking some clarification from the court on some
[6] assertions and some objections.
[7] MR. LICHTEN: How long do you have for
[8] questioning?
[9] MR. DIAZ: Not that long. I just have a
[10] small number of questions.
[11] MR. LICHTEN: Okay.
[12] MR. DIAZ: And obviously until — I'll ask
[13] the questions and if not clarified you can always
[14] have them stricken at some point.
[15] MR. LICHTEN: Okay. Well, you can ask
[16] them.
[17] MR. DIAZ: Okay. Attorney Diaz asking
[18] questions.
[19] CROSS EXAMINATION
[20] BY MR. DIAZ:
[21] Q: Sir, how many shop stewards did you deal
[22] with at Farnsworth during the time that you dealt
[23] with the shop stewards there?
[24] A: Two.

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[1] (Mr. Berger enters the room)
[2] Q: And other than you speaking to him, was
[3] there another party that you would utilize to
[4] communicate with Jose?
[5] A: Not as a rule.
[6] Q: Okay. And at Farnsworth, most of the
[7] workers you're speaking of, are they predominantly
[8] Hispanic?
[9] A: Yes. The ones that I dealt with, yes.
[10] Q: And how many employees are we talking of,
[11] if you recall it, at the highest point or at the
[12] lowest point?
[13] A: About 25, 26 at the highest.
[14] Q: And other than that group, how many
[15] non-Hispanics were there?
[16] A: I only met three non-Hispanic, but they
[17] were not part of the bargaining unit, though.
[18] Q: Okay. And from the time that you received
[19] notice that the plant was going to close, how much
[20] notice was given to the employees that they had to
[21] secure the benefits and then secure the jobs?
[22] A: I don't know how much notice they were
[23] given, but they knew when I went down.
[24] Q: Okay. And what, if any, role did Jose

EXHIBIT 13

7/27/2005

Ortiz

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1 A (Through the Interpreter) No.
2 Q And you never were -- you never went to a
3 Spanish stewards training?
4 A (Through the Interpreter) No.
5 The only thing I know, someone --
6 some lady came over from the employment. She gave
7 us a card. And then some guy that came over from
8 supposedly the Steelworkers or something, they gave
9 us some sort of purple-violet pamphlet.
10 MR. BERGER: I just respectfully
11 request that the union provide some evidence that
12 this isn't a fraud.
13 MR. LICHTEN: Objection. Move to
14 strike.
15 MR. BERGER: Especially in view of
16 the fact that it was used as affirmative evidence
17 in a Commission hearing already.
18 MR. LICHTEN: Objection. Move to
19 strike.
20 MR. BERGER: Thank you.
21 MR. DIAZ: I've got some questions.
22
23 EXAMINATION
24 BY MR. DIAZ:

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1 Q Mr. Ortiz, when the Steelworkers and
2 Mr. Lowell specifically brought someone to a
3 meeting we heard in September and maybe in October
4 2003, they brought an interpreter, correct?
5 A (Through the Interpreter) Okay. Are you
6 talking about -- are you talking about the
7 little -- the little girl that he brought over, the
8 woman that he brought over?
9 Q The brown-skinned girl that he mentioned,
10 okay?
11 A (Through the Interpreter) Yes.
12 Q You remember the individual being brought
13 as an interpreter, correct?
14 A (Through the Interpreter) Yes.
15 Q And you remember her name?
16 A (Through the Interpreter) No, I have it
17 in one of my cards.
18 Q You referred to the name before --
19 MR. DIAZ: Harold, what's her name?
20 MR. LICHTEN: Masiel, M-A-S-I-E-L.
21 That's her first name.
22 BY MR. DIAZ:
23 Q Masiel is her first name.
24 Do you recall that?

Page 88

1 A Yes.
2 Q And it's your understanding why was she
3 brought, as an interpreter or some other reason?
4 A (Through the Interpreter) Like he said,
5 was for an interpret of it.
6 Q Before that September 2003 time that the
7 young lady came, was there any concern that
8 Mr. Lowell Alexander had expressed to you about
9 your ability to understand English or interpret
10 correctly?
11 A (Through the Interpreter) No, he never
12 said anything to me. I know that she came over
13 that day.
14 Q Okay.
15 Now, Miguel DeJesus, you knew him
16 prior to November of 2002, correct?
17 A (Through the Interpreter) Yes, because he
18 worked there for a number of years.
19 Q Was he fluent in English or just Spanish,
20 or did he know a little English?
21 A (Through the Interpreter) He speak the
22 English a little bit. He could get stuck a little
23 bit, but he could be understood.
24 Q Do you know if he read English?

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1 A (Through the Interpreter) That I couldn't
2 tell you.
3 Q You really don't read much English, do
4 you?
5 A (Through the Interpreter) I read a little
6 bit.
7 Q Now, going to the meetings that took
8 place prior to November 2002 in the contract, we've
9 talked about there were meetings October 15th
10 through November 13th; do you recall that?
11 A (Through the Interpreter) Yes.
12 Q Were you an active participant in those
13 meetings, meaning that you were in actual
14 negotiations, or were you just there in body trying
15 to understand some things or not an active
16 participant?
17 Can you explain that?
18 A (Through the Interpreter) I would also
19 speak there.
20 Q And what were you -- you know, were you
21 negotiating terms or were you just saying things?
22 Were any of the things that you were
23 trying to get implemented or incorporated --
24 (Telephone interruption.)

23 (Pages 86 to 89)

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1 Q Could you turn that off, please?
2 THE INTERPRETER: Could you repeat
3 the question, please?

4 Q Were any things that you were concerned
5 about implemented? Were any of the things that you
6 were concerned about incorporated or --

7 A (Through the Interpreter) Okay. We would
8 put these things in the contract, but then Kenny
9 would take this to the owner. He would say no,
10 that he couldn't do that.

11 Q Now, was there an interpreter or
12 translator at the meetings of October 15th through
13 October -- strike that. Let me start the question
14 over.

15 Were there any interpreters or
16 translators at any meetings that occurred between
17 October 13th and November 15th?

18 A (Through the Interpreter) No. The only
19 people that were there were Miguel DeJesus, Lowell,
20 Kenny and I, for that contract.

21 Q So the two Hispanic representatives were
22 individuals whose English was not too good; is that
23 correct?

24 A (Through the Interpreter) It wasn't that

1 good, like you said.

2 Q Now, this took place -- this contract was
3 signed on November 21, 2002, according to Exhibit
4 No. 1, correct?

5 THE INTERPRETER: What was the date
6 again, please?

7 Q November 21, 2001.

8 A (Through the Interpreter) Yes, because
9 they set it up for that, the 21st.

10 Q Did I say 2001? I apologize. I said
11 2001. It should have been 2002.

12 A (Through the Interpreter) Yes, the
13 closing.

14 Q So this is less than a year prior to the
15 closing of the plant, correct?

16 A (Through the Interpreter) Mm-hmm, yes,
17 because the contract supposedly wasn't until, like,
18 2006, and look what happened.

19 Q At any of the meetings that you went to
20 between October 15th and prior to November 21st,
21 was there any discussion about the viability, the
22 healthiness, the closing of the plant, anything of
23 that nature, was it expressed, as you understood
24 it?

1 A (Through the Interpreter) That they were
2 going to close the plant?

3 Q That's my question. I need an answer.

4 A (Through the Interpreter) No.

5 Q Was there union representation that you
6 understood that basically inquired into this,
7 inquired into saving jobs, protecting jobs, or any
8 plant closing?

9 A (Through the Interpreter) No.

10 Q Let me jump into a different area.

11 Who is Santiago Perez?

12 A (Through the Interpreter) This is the
13 person that was there first, and then since he was
14 fired --

15 Q I'm sorry, I cut you off. If I cut you
16 off, I don't mean to. Please continue.

17 A (Through the Interpreter) This was --
18 this was in the old contract, before 2002, that
19 Santiago was there.

20 Q Okay.

21 Now, I think we're making -- Santiago
22 Perez was the shop steward or the union
23 representative prior to you, sir?

24 A (Through the Interpreter) 2001, Santiago

1 was there. I was the other one, but I think he was
2 sent more, more. He was more important.

3 Q When was he terminated; do you know?

4 A (Through the Interpreter) He had some
5 sort of discussion, disagreement with another guy,
6 and he was fired.

7 Q Now, at least as of January 2002, he was
8 there, correct?

9 A (Through the Interpreter) I don't
10 remember if he was there until 2002. I know
11 that -- I know that he was fired.

12 Q Well, Exhibit 6, you have it in front of
13 you, has the letter from the United Steelworkers of
14 America, and you looked at that earlier.

15 It's addressed to Santiago Perez?

16 A Yes.

17 Q So that was addressed to Santiago Perez.

18 Do you know if you ever received that
19 letter or not?

20 A (Through the Interpreter) That I can't
21 remember, I don't know.

22 Q Now, you mentioned that your recollection
23 is before Lowell Alexander, there was an individual
24 named Dominic who was the representative from the

EXHIBIT 14

1 A (Through the Interpreter) No.
 2 Q And you never were -- you never went to a
 3 Spanish stewards training?
 4 A (Through the Interpreter) No.
 5 The only thing I know, someone --
 6 some lady came over from the employment. She gave
 7 us a card. And then some guy that came over from
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 24 Do you recall that?

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 16 participant?
 17 Can you explain that?
 18 A (Through the Interpreter) I would also
 19 speak there.
 20 Q And what were you -- you know, were you
 21 negotiating terms or were you just saying things?
 22 Were any of the things that you were
 23 trying to get implemented or incorporated --
 24 (Telephone interruption.)

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Ortiz

Page 90

1 Q Could you turn that off, please?
2 THE INTERPRETER: Could you repeat
3 the question, please?
4 Q Were any things that you were concerned
5 about implemented? Were any of the things that you
6 were concerned about incorporated or --
7 A (Through the Interpreter) Okay. We would
8 put these things in the contract, but then Kenny
9 would take this to the owner. He would say no,
10 that he couldn't do that.
11 Q Now, was there an interpreter or
12 translator at the meetings of October 15th through
13 October -- strike that. Let me start the question
14 over.
15 Were there any interpreters or
16 translators at any meetings that occurred between
17 October 13th and November 15th?
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19 people that were there were Miguel DeJesus, Lowell,
20 Kenny and I, for that contract.
21 Q So the two Hispanic representatives were
22 individuals whose English was not too good; is that
23 correct?
24 A (Through the Interpreter) It wasn't that

Page 91

1 good, like you said.
2 Q Now, this took place -- this contract was
3 signed on November 21, 2002, according to Exhibit
4 No. 1, correct?
5 THE INTERPRETER: What was the date
6 again, please?
7 Q November 21, 2001.
8 A (Through the Interpreter) Yes, because
9 they set it up for that, the 21st.
10 Q Did I say 2001? I apologize. I said
11 2001. It should have been 2002.
12 A (Through the Interpreter) Yes, the
13 closing.
14 Q So this is less than a year prior to the
15 closing of the plant, correct?
16 A (Through the Interpreter) Mm-hmm, yes,
17 because the contract supposedly wasn't until, like,
18 2006, and look what happened.
19 Q At any of the meetings that you went to
20 between October 15th and prior to November 21st,
21 was there any discussion about the viability, the
22 healthiness, the closing of the plant, anything of
23 that nature, was it expressed, as you understood
24 it?

Page 92

1 A (Through the Interpreter) That they were
2 going to close the plant?
3 Q That's my question. I need an answer.
4 A (Through the Interpreter) No.
5 Q Was there union representation that you
6 understood that basically inquired into this,
7 inquired into saving jobs, protecting jobs, or any
8 plant closing?
9 A (Through the Interpreter) No.
10 Q Let me jump into a different area.
11 Who is Santiago Perez?
12 A (Through the Interpreter) This is the
13 person that was there first, and then since he was
14 fired --
15 Q I'm sorry, I cut you off. If I cut you
16 off, I don't mean to. Please continue.
17 A (Through the Interpreter) This was --
18 this was in the old contract, before 2002, that
19 Santiago was there.
20 Q Okay.
21 Now, I think we're making -- Santiago
22 Perez was the shop steward or the union
23 representative prior to you, sir?
24 A (Through the Interpreter) 2001, Santiago

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1 was there. I was the other one, but I think he was
2 sent more, more. He was more important.
3 Q When was he terminated; do you know?
4 A (Through the Interpreter) He had some
5 sort of discussion, disagreement with another guy,
6 and he was fired.
7 Q Now, at least as of January 2002, he was
8 there, correct?
9 A (Through the Interpreter) I don't
10 remember if he was there until 2002. I know
11 that -- I know that he was fired.
12 Q Well, Exhibit 6, you have it in front of
13 you, has the letter from the United Steelworkers of
14 America, and you looked at that earlier.
15 It's addressed to Santiago Perez?
16 A Yes.
17 Q So that was addressed to Santiago Perez.
18 Do you know if you ever received that
19 letter or not?
20 A (Through the Interpreter) That I can't
21 remember, I don't know.
22 Q Now, you mentioned that your recollection
23 is before Lowell Alexander, there was an individual
24 named Dominic who was the representative from the

24 (Pages 90 to 93)

EXHIBIT 15

Page 53

[1] Q: Who is Miguel DeJesus or Miguel DeJesus, if
[2] you will?
[3] A: I think Miguel was on the committee.
[4] Q: Pardon me?
[5] A: I think he was on the committee.
[6] Q: And who is Jose Montenez?
[7] A: I'm not aware. I'm assuming he works
[8] there.
[9] Q: Who is Louis Martinez?
[10] A: I'm assuming he works there also.
[11] Q: Okay. Now, they — did all three of them
[12] work for Farnsworth Fibre Corporation?
[13] A: I assume they did.
[14] Q: Do all three of them work for a company in
[15] Foxborough engaged in the same business as
[16] Farnsworth Fibre Corporation and Sherman-Feinberg
[17] Corporation?
[18] A: I don't know.
[19] Q: Do you know whether Jose Ortiz was supplied
[20] with the union constitution?
[21] A: No, I don't.
[22] Q: Do you know whether Jose Ortiz was supplied
[23] with any books, tapes, CDs or any of those kinds of
[24] things about how properly to be a steward?

Page 54

[1] A: I don't know.
[2] Q: How did you secure — how did you — strike
[3] that. Were there apprenticeship programs for any of
[4] the employees of Farnsworth Fibre and
[5] Sherman-Feinberg?
[6] A: In terms of apprenticeships for what?
[7] Q: Apprenticeship or training programs for the
[8] employees?
[9] A: Not that I'm aware of, no.
[10] Q: Were there ever any safety meetings for the
[11] employees of Farnsworth Fibre and Sherman-Feinberg?
[12] A: I don't know.
[13] Q: Now, who was the person that you did your
[14] negotiations with at Farnsworth Fibre Corporation?
[15] A: For the company?
[16] Q: Yes.
[17] A: The company rep was Kenneth Doucette.
[18] Q: Okay. Now, have you ever eaten a meal with
[19] Kenneth Doucette?
[20] A: No.
[21] Q: Have you ever socialized with Kenneth
[22] Doucette?
[23] A: No.
[24] Q: Have you ever spoken alone with Kenneth

Page 55

[1] Doucette?
[2] A: When I first went to the company to
[3] introduce myself, yes.
[4] Q: When was that?
[5] A: It would have been sometime in 2002.
[6] Q: Tell me about all the conversations you've
[7] had with Kenneth Doucette.
[8] A: At that conversation I had a conversation
[9] with Jose and Kenneth. We had contract negotiations
[10] and with — the closing, plant closing with Jose and
[11] Miguel on the grievances.
[12] Q: Okay. What did you say to Mr. Doucette on
[13] each and every conversation you had with him?
[14] A: I wouldn't be — I don't recall every
[15] single thing that was said.
[16] Q: What's your best recollection?
[17] A: My best recollection, I introduced myself.
[18] We chatted for a few minutes, and I was asked —
[19] actually, I asked for Santiago Perez.
[20] Q: All right. How many conversation did you
[21] have with him with Mr. Santiago being present?
[22] A: None, because I never met.
[23] Q: So are you telling me during the entire
[24] negotiations you only spoke to him for a few

Page 56

[1] moments, Kenneth Doucette?
[2] A: No.
[3] Q: How much time did you spend negotiating
[4] with him?
[5] A: It's hard to put a number on the time, how
[6] much time. We had a number of sessions, though,
[7] with Miguel —
[8] Q: During that —
[9] A: — Jose and myself.
[10] Q: During that whole negotiation process, did
[11] you ask him for plant closing provisions?
[12] A: I don't remember if I did or not.
[13] *Q: Well, did you bargain with Farnsworth Fibre
[14] Corporation concerning the effects of a possible
[15] closing of the corporation?
[16] A: During negotiations?
[17] MR. BERGER: Could you just read the
[18] question back. I think it was fairly
[19] straightforward.
[20] *(Question read)
[21] MR. BERGER: Do I have a yes or a no?
[22] MR. LICHTEN: He asked you to clarify
[23] whether you meant during contract negotiations or
[24] some other time.

EXHIBIT 16

Page 9

[1] local at Commonwealth Gas?
[2] A: Three years — two years. No. Two years.
[3] Q: And who did you get your paycheck from, the
[4] international or the local?
[5] A: Now?
[6] Q: Yes, right now.
[7] A: From the international.
[8] Q: Okay. Now, my question involves a safety
[9] problem, okay. What are you supposed to do in your
[10] job when there's an injury in the workplace and the
[11] person who's injured is in the union, in your union?
[12] A: Is it reported to me?
[13] Q: Just tell me what the drill is. What I
[14] mean by drill is the practice, the procedure, the
[15] written policy as you understand it, what you're
[16] supposed to do.
[17] A: The union represents and assists if a
[18] person reports something to us that hasn't been
[19] addressed.
[20] Q: Okay. So the obligation of reporting is
[21] solely on the union member?
[22] A: Yes, from the plant.
[23] Q: What if there's a job place injury in which
[24] someone is killed?

Page 10

[1] A: I don't handle that.
[2] Q: You've never dealt with that problem?
[3] A: No.
[4] Q: Now, have you ever worked with OSHA? Do
[5] you know what OSHA is?
[6] A: Yes.
[7] Q: Have you ever worked with OSHA in your job
[8] now?
[9] A: Never directly with OSHA, no.
[10] Q: In this particular plant, the
[11] Sherman-Feinberg Corporation plant —
[12] A: Okay. Yes.
[13] Q: — do you know the members of the union
[14] there?
[15] A: Not all.
[16] Q: Do you speak Spanish?
[17] A: No, I do not.
[18] Q: Do all of the members speak Spanish?
[19] A: I don't know.
[20] Q: Do any of them speak English?
[21] A: Yes.
[22] Q: Who speaks English?
[23] A: I'm aware that — of one person — I'm
[24] aware that Jose speaks English.

Page 11

[1] Q: You mean Jose Ortiz?
[2] A: Yes, Jose Ortiz. I'm aware that Miguel
[3] speaks some English, and there are other people that
[4] speak English, but I don't know their names.
[5] Q: Now, how many of the members in that plant
[6] have suffered the loss of fingers or suffered burns
[7] to their extremities?
[8] A: I don't know.
[9] Q: Are there any?
[10] A: Not that I'm aware of.
[11] Q: Now, what were the protections in place for
[12] the members of Sherman-Feinberg, for the plant
[13] closing?
[14] MR. LICHTEN: Objection to the form.
[15] (Interruption)
[16] A: Protection in place? There is no language
[17] in the contract that specifies plant closure.
[18] Q: Now, how many years have you been in the
[19] Steelworkers union?
[20] A: Since 1978.
[21] Q: '70?
[22] A: '78.
[23] Q: '78. And have you gone to national
[24] meetings involving the Steelworkers since '78?

Page 12

[1] A: Yes, I have.
[2] Q: And have you read the literature that the
[3] Steelworkers sends you as a member and as an officer
[4] and now as a representative?
[5] A: Yes.
[6] Q: Is it fair to say that plant closings has
[7] been a very large issue for the Steelworkers in a
[8] nationwide sweep but especially like places like
[9] Cleveland and Pittsburgh?
[10] A: It's been an issue.
[11] Q: And the plant closings issue, in the
[12] literature on all of those things that I just
[13] mentioned to you, how have you been advised to deal
[14] with the topic of plant closings by the
[15] international union?
[16] A: We've been advised to do your best to
[17] negotiate as best you can.
[18] Q: Now, who's on your negotiating team with
[19] Sherman-Feinberg or was? Sorry.
[20] A: Jose Ortiz, Miguel DeJesus and myself.
[21] Q: Okay. Now, tell me the process. Did you
[22] go — tell me the process — over the years I guess
[23] you had an agreement that went out another three
[24] years. Tell me the process of getting the latest

Page 13

[1] agreement from this point. Let me explain the
[2] context. Let me just give you a date.
[3] The agreement was executed November 21,
[4] 2002. Could you tell me what you did before
[5] November 21st in connection with this agreement
[6] between the Steelworkers of America,
[7] Sherman-Feinberg and Farnsworth Fibre? And if you
[8] can, what is it?
[9] A: Met with Jose, met with the company.
[10] Q: How many months before the execution of the
[11] agreement?
[12] A: I really don't remember. I don't know.
[13] Q: A couple months before, three months?
[14] Would that be long?
[15] A: That's usually a long time prior.
[16] Q: Okay. So your first stop was with Jose?
[17] A: My first meeting was with Jose.
[18] Q: Okay. And do you remember what you and
[19] Jose said, what you said and what he said?
[20] A: Talked about proposals and meeting with his
[21] membership and find out what they were going to
[22] request for proposals.
[23] Q: Do you have drafts of those agreements, of
[24] the proposals somewhere?

Page 14

[1] A: I may. I don't know for sure.
[2] Q: Could you look for them through your
[3] counsel?
[4] A: Sure.
[5] Q: Now, were those proposals in English or
[6] Spanish?
[7] A: English.
[8] Q: Now, when you met with Jose, did you bring
[9] along a translator?
[10] A: No, I did not.
[11] Q: Okay. Did you have trouble communicating
[12] with him?
[13] A: No, I did not.
[14] Q: With Jose?
[15] A: No.
[16] Q: How about the other fellow, the other guy?
[17] A: Miguel came in for negotiations.
[18] Q: Miguel's English is good?
[19] A: It's fairly good.
[20] Q: How does it compare to Jose's?
[21] A: Miguel didn't have any trouble
[22] understanding what the proposals were.
[23] Q: Okay. What were you guys trying to get? I
[24] take it you were of one mind about what you wanted

Page 15

[1] to do?
[2] A: Yes, we learned — without proposals in
[3] front of me, I can imagine — without those specific
[4] proposals in front of me, I couldn't tell you
[5] exactly what was requested.
[6] Q: Okay. Let's focus on the things that are
[7] the problems now. What did you have in mind about
[8] plant closings when you were kicking it around?
[9] A: It wasn't an issue.
[10] Q: It wasn't?
[11] A: No.
[12] Q: Had you checked the books of Farnsworth
[13] Fibre and Sherman-Feinberg to find out what their
[14] financial picture was?
[15] A: No, I hadn't.
[16] Q: Have you ever checked the books for that?
[17] A: I believe we made a request.
[18] Q: When was that?
[19] A: I don't know a specific date.
[20] Q: Did you follow up on the request?
[21] A: I believe — I don't remember, to be honest
[22] with you.
[23] Q: You guys have a multi-employer pension
[24] plan, right?

Page 16

[1] A: Yes.
[2] Q: Who's the person who does the collections
[3] for your multi-employer pension plan? Who gets the
[4] money in for defaulting companies?
[5] A: The international.
[6] Q: Who's the local person in that? Where is
[7] your pension fund office? You know, the letter you
[8] get and all that, what does it come out of?
[9] A: It comes out of Pittsburgh.
[10] Q: Out of Pittsburgh, that's right. Is there
[11] a local person for purposes of collections at
[12] meetings and all that stuff?
[13] A: Not that I'm aware of, no.
[14] Q: All right. Where do you meet when you have
[15] pension meetings or meetings just about pensions?
[16] A: I don't attend those, so I don't know.
[17] Q: Well, did you ever get any correspondence
[18] from the union that said that these guys might be
[19] going under? "These guys" being Farnsworth Fibre
[20] and Sherman-Feinberg.
[21] A: I don't recall.
[22] Q: So you don't recall getting something
[23] saying, "Hey, watch out for these guys"?
[24] A: No.

EXHIBIT 17

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Ortiz

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1 A (Through the Interpreter) No.
2 Q And you never were -- you never went to a
3 Spanish stewards training?
4 A (Through the Interpreter) No.
5 The only thing I know, someone --
6 some lady came over from the employment. She gave
7 us a card. And then some guy that came over from
8 supposedly the Steelworkers or something, they gave
9 us some sort of purple-violet pamphlet.
10 MR. BERGER: I just respectfully
11 request that the union provide some evidence that
12 this isn't a fraud.
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14 strike.
15 MR. BERGER: Especially in view of
16 the fact that it was used as affirmative evidence
17 in a Commission hearing already.
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23 EXAMINATION
24 BY MR. DIAZ:

Page 87

1 Q Mr. Ortiz, when the Steelworkers and
2 Mr. Lowell specifically brought someone to a
3 meeting we heard in September and maybe in October
4 2003, they brought an interpreter, correct?
5 A (Through the Interpreter) Okay. Are you
6 talking about -- are you talking about the
7 little -- the little girl that he brought over, the
8 woman that he brought over?
9 Q The brown-skinned girl that he mentioned,
10 okay?
11 A (Through the Interpreter) Yes.
12 Q You remember the individual being brought
13 as an interpreter, correct?
14 A (Through the Interpreter) Yes.
15 Q And you remember her name?
16 A (Through the Interpreter) No, I have it
17 in one of my cards.
18 Q You referred to the name before --
19 MR. DIAZ: Harold, what's her name?
20 MR. LICHTEN: Masiel, M-A-S-I-E-L.
21 That's her first name.
22 BY MR. DIAZ:
23 Q Masiel is her first name.
24 Do you recall that?

Page 88

1 A Yes.
2 Q And it's your understanding why was she
3 brought, as an interpreter or some other reason?
4 A (Through the Interpreter) Like he said,
5 was for an interpret of it.
6 Q Before that September 2003 time that the
7 young lady came, was there any concern that
8 Mr. Lowell Alexander had expressed to you about
9 your ability to understand English or interpret
10 correctly?
11 A (Through the Interpreter) No, he never
12 said anything to me. I know that she came over
13 that day.
14 Q Okay.
15 Now, Miguel DeJesus, you knew him
16 prior to November of 2002, correct?
17 A (Through the Interpreter) Yes, because he
18 worked there for a number of years.
19 Q Was he fluent in English or just Spanish,
20 or did he know a little English?
21 A (Through the Interpreter) He speak the
22 English a little bit. He could get stuck a little
23 bit, but he could be understood.
24 Q Do you know if he read English?

Page 89

1 A (Through the Interpreter) That I couldn't
2 tell you.
3 Q You really don't read much English, do
4 you?
5 A (Through the Interpreter) I read a little
6 bit.
7 Q Now, going to the meetings that took
8 place prior to November 2002 in the contract, we've
9 talked about there were meetings October 15th
10 through November 13th; do you recall that?
11 A (Through the Interpreter) Yes.
12 Q Were you an active participant in those
13 meetings, meaning that you were in actual
14 negotiations, or were you just there in body trying
15 to understand some things or not an active
16 participant?
17 Can you explain that?
18 A (Through the Interpreter) I would also
19 speak there.
20 Q And what were you -- you know, were you
21 negotiating terms or were you just saying things?
22 Were any of the things that you were
23 trying to get implemented or incorporated --
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23 (Pages 86 to 89)

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Ortiz

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1 Q Could you turn that off, please?
2 THE INTERPRETER: Could you repeat
3 the question, please?

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5 about implemented? Were any of the things that you
6 were concerned about incorporated or --

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8 put these things in the contract, but then Kenny
9 would take this to the owner. He would say no,
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13 October -- strike that. Let me start the question
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16 off, I don't mean to. Please continue.

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19 Santiago was there.

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21 Now, I think we're making -- Santiago
22 Perez was the shop steward or the union
23 representative prior to you, sir?

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1 good, like you said.

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2 sent more, more. He was more important.

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5 sort of discussion, disagreement with another guy,
6 and he was fired.

7 Q Now, at least as of January 2002, he was
8 there, correct?

9 A (Through the Interpreter) I don't
10 remember if he was there until 2002. I know
11 that -- I know that he was fired.

12 Q Well, Exhibit 6, you have it in front of
13 you, has the letter from the United Steelworkers of
14 America, and you looked at that earlier.

15 It's addressed to Santiago Perez?

16 A Yes.

17 Q So that was addressed to Santiago Perez.

18 Do you know if you ever received that
19 letter or not?

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EXHIBIT 18

7/27/2005

Ortiz

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1 A Yes.
2 Q And it's your understanding why was she
3 brought, as an interpreter or some other reason?
4 A (Through the Interpreter) Like he said,
5 was for an interpret of it.
6 Q Before that September 2003 time that the
7 young lady came, was there any concern that
8 Mr. Lowell Alexander had expressed to you about
9 your ability to understand English or interpret
10 correctly?
11 A (Through the Interpreter) No, he never
12 said anything to me. I know that she came over
13 that day.
14 Q Okay.
15 Now, Miguel DeJesus, you knew him
16 prior to November of 2002, correct?
17 A (Through the Interpreter) Yes, because he
18 worked there for a number of years.
19 Q Was he fluent in English or just Spanish,
20 or did he know a little English?
21 A (Through the Interpreter) He speak the
22 English a little bit. He could get stuck a little
23 bit, but he could be understood.
24 Q Do you know if he read English?

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1 A (Through the Interpreter) That I couldn't
2 tell you.
3 Q You really don't read much English, do
4 you?
5 A (Through the Interpreter) I read a little
6 bit.
7 Q Now, going to the meetings that took
8 place prior to November 2002 in the contract, we've
9 talked about there were meetings October 15th
10 through November 13th; do you recall that?
11 A (Through the Interpreter) Yes.
12 Q Were you an active participant in those
13 meetings, meaning that you were in actual
14 negotiations, or were you just there in body trying
15 to understand some things or not an active
16 participant?
17 Can you explain that?
18 A (Through the Interpreter) I would also
19 speak there.
20 Q And what were you -- you know, were you
21 negotiating terms or were you just saying things?
22 Were any of the things that you were
23 trying to get implemented or incorporated --
24 (Telephone interruption.)

23 (Pages 86 to 89)

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1 Q Could you turn that off, please?

2 THE INTERPRETER: Could you repeat
3 the question, please?

4 Q Were any things that you were concerned
5 about implemented? Were any of the things that you
6 were concerned about incorporated or --

7 A (Through the Interpreter) Okay. We would
8 put these things in the contract, but then Kenny
9 would take this to the owner. He would say no,
10 that he couldn't do that.

11 Q Now, was there an interpreter or
12 translator at the meetings of October 15th through
13 October -- strike that. Let me start the question
14 over.

15 Were there any interpreters or
16 translators at any meetings that occurred between
17 October 13th and November 15th?

18 A (Through the Interpreter) No. The only
19 people that were there were Miguel DeJesus, Lowell,
20 Kenny and I, for that contract.

21 Q So the two Hispanic representatives were
22 individuals whose English was not too good; is that
23 correct?

24 A (Through the Interpreter) It wasn't that

1 good, like you said.

2 Q Now, this took place -- this contract was
3 signed on November 21, 2002, according to Exhibit
4 No. 1, correct?

5 THE INTERPRETER: What was the date
6 again, please?

7 Q November 21, 2001.

8 A (Through the Interpreter) Yes, because
9 they set it up for that, the 21st.

10 Q Did I say 2001? I apologize. I said
11 2001. It should have been 2002.

12 A (Through the Interpreter) Yes, the
13 closing.

14 Q So this is less than a year prior to the
15 closing of the plant, correct?

16 A (Through the Interpreter) Mm-hmm, yes,
17 because the contract supposedly wasn't until, like,
18 2006, and look what happened.

19 Q At any of the meetings that you went to
20 between October 15th and prior to November 21st,
21 was there any discussion about the viability, the
22 healthiness, the closing of the plant, anything of
23 that nature, was it expressed, as you understood
24 it?

1 A (Through the Interpreter) That they were
2 going to close the plant?

3 Q That's my question. I need an answer.

4 A (Through the Interpreter) No.

5 Q Was there union representation that you
6 understood that basically inquired into this,
7 inquired into saving jobs, protecting jobs, or any
8 plant closing?

9 A (Through the Interpreter) No.

10 Q Let me jump into a different area.

11 Who is Santiago Perez?

12 A (Through the Interpreter) This is the
13 person that was there first, and then since he was
14 fired --

15 Q I'm sorry, I cut you off. If I cut you
16 off, I don't mean to. Please continue.

17 A (Through the Interpreter) This was --
18 this was in the old contract, before 2002, that
19 Santiago was there.

20 Q Okay.

21 Now, I think we're making -- Santiago
22 Perez was the shop steward or the union
23 representative prior to you, sir?

24 A (Through the Interpreter) 2001, Santiago

1 was there. I was the other one, but I think he was
2 sent more, more. He was more important.

3 Q When was he terminated; do you know?

4 A (Through the Interpreter) He had some
5 sort of discussion, disagreement with another guy,
6 and he was fired.

7 Q Now, at least as of January 2002, he was
8 there, correct?

9 A (Through the Interpreter) I don't
10 remember if he was there until 2002. I know
11 that -- I know that he was fired.

12 Q Well, Exhibit 6, you have it in front of
13 you, has the letter from the United Steelworkers of
14 America, and you looked at that earlier.

15 It's addressed to Santiago Perez?

16 A Yes.

17 Q So that was addressed to Santiago Perez.

18 Do you know if you ever received that
19 letter or not?

20 A (Through the Interpreter) That I can't
21 remember, I don't know.

22 Q Now, you mentioned that your recollection
23 is before Lowell Alexander, there was an individual
24 named Dominic who was the representative from the

EXHIBIT 19

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[1] local at Commonwealth Gas?
[2] A: Three years — two years. No. Two years.
[3] Q: And who did you get your paycheck from, the
[4] international or the local?
[5] A: Now?
[6] Q: Yes, right now.
[7] A: From the international.
[8] Q: Okay. Now, my question involves a safety
[9] problem, okay. What are you supposed to do in your
[10] job when there's an injury in the workplace and the
[11] person who's injured is in the union, in your union?
[12] A: Is it reported to me?
[13] Q: Just tell me what the drill is. What I
[14] mean by drill is the practice, the procedure, the
[15] written policy as you understand it, what you're
[16] supposed to do.
[17] A: The union represents and assists if a
[18] person reports something to us that hasn't been
[19] addressed.
[20] Q: Okay. So the obligation of reporting is
[21] solely on the union member?
[22] A: Yes, from the plant.
[23] Q: What if there's a job place injury in which
[24] someone is killed?

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[1] A: I don't handle that.
[2] Q: You've never dealt with that problem?
[3] A: No.
[4] Q: Now, have you ever worked with OSHA? Do
[5] you know what OSHA is?
[6] A: Yes.
[7] Q: Have you ever worked with OSHA in your job
[8] now?
[9] A: Never directly with OSHA, no.
[10] Q: In this particular plant, the
[11] Sherman-Feinberg Corporation plant —
[12] A: Okay. Yes.
[13] Q: — do you know the members of the union
[14] there?
[15] A: Not all.
[16] Q: Do you speak Spanish?
[17] A: No, I do not.
[18] Q: Do all of the members speak Spanish?
[19] A: I don't know.
[20] Q: Do any of them speak English?
[21] A: Yes.
[22] Q: Who speaks English?
[23] A: I'm aware that — of one person — I'm
[24] aware that Jose speaks English.

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[1] Q: You mean Jose Ortiz?
[2] A: Yes, Jose Ortiz. I'm aware that Miguel
[3] speaks some English, and there are other people that
[4] speak English, but I don't know their names.
[5] Q: Now, how many of the members in that plant
[6] have suffered the loss of fingers or suffered burns
[7] to their extremities?
[8] A: I don't know.
[9] Q: Are there any?
[10] A: Not that I'm aware of.
[11] Q: Now, what were the protections in place for
[12] the members of Sherman-Feinberg, for the plant
[13] closing?
[14] MR. LICHTEN: Objection to the form.
[15] (Interruption)
[16] A: Protection in place? There is no language
[17] in the contract that specifies plant closure.
[18] Q: Now, how many years have you been in the
[19] Steelworkers union?
[20] A: Since 1978.
[21] Q: '70?
[22] A: '78.
[23] Q: '78. And have you gone to national
[24] meetings involving the Steelworkers since '78?

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[1] A: Yes, I have.
[2] Q: And have you read the literature that the
[3] Steelworkers sends you as a member and as an officer
[4] and now as a representative?
[5] A: Yes.
[6] Q: Is it fair to say that plant closings has
[7] been a very large issue for the Steelworkers in a
[8] nationwide sweep but especially like places like
[9] Cleveland and Pittsburgh?
[10] A: It's been an issue.
[11] Q: And the plant closings issue, in the
[12] literature on all of those things that I just
[13] mentioned to you, how have you been advised to deal
[14] with the topic of plant closings by the
[15] international union?
[16] A: We've been advised to do your best to
[17] negotiate as best you can.
[18] Q: Now, who's on your negotiating team with
[19] Sherman-Feinberg or was? Sorry.
[20] A: Jose Ortiz, Miguel DeJesus and myself.
[21] Q: Okay. Now, tell me the process. Did you
[22] go — tell me the process — over the years I guess
[23] you had an agreement that went out another three
[24] years. Tell me the process of getting the latest

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[1] agreement from this point. Let me explain the
[2] context. Let me just give you a date.

[3] The agreement was executed November 21,
[4] 2002. Could you tell me what you did before
[5] November 21st in connection with this agreement
[6] between the Steelworkers of America,
[7] Sherman-Feinberg and Farnsworth Fibre? And if you
[8] can, what is it?

[9] A: Met with Jose, met with the company.

[10] Q: How many months before the execution of the
[11] agreement?

[12] A: I really don't remember. I don't know.

[13] Q: A couple months before, three months?
[14] Would that be long?

[15] A: That's usually a long time prior.

[16] Q: Okay. So your first stop was with Jose?

[17] A: My first meeting was with Jose.

[18] Q: Okay. And do you remember what you and
[19] Jose said, what you said and what he said?

[20] A: Talked about proposals and meeting with his
[21] membership and find out what they were going to
[22] request for proposals.

[23] Q: Do you have drafts of those agreements, of
[24] the proposals somewhere?

[1] to do?

[2] A: Yes, we learned — without proposals in
[3] front of me, I can imagine — without those specific
[4] proposals in front of me, I couldn't tell you
[5] exactly what was requested.

[6] Q: Okay. Let's focus on the things that are
[7] the problems now. What did you have in mind about
[8] plant closings when you were kicking it around?

[9] A: It wasn't an issue.

[10] Q: It wasn't?

[11] A: No.

[12] Q: Had you checked the books of Farnsworth
[13] Fibre and Sherman-Feinberg to find out what their
[14] financial picture was?

[15] A: No, I hadn't.

[16] Q: Have you ever checked the books for that?

[17] A: I believe we made a request.

[18] Q: When was that?

[19] A: I don't know a specific date.

[20] Q: Did you follow up on the request?

[21] A: I believe — I don't remember, to be honest
[22] with you.

[23] Q: You guys have a multi-employer pension
[24] plan, right?

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[1] A: I may. I don't know for sure.

[2] Q: Could you look for them through your
[3] counsel?

[4] A: Sure.

[5] Q: Now, were those proposals in English or
[6] Spanish?

[7] A: English.

[8] Q: Now, when you met with Jose, did you bring
[9] along a translator?

[10] A: No, I did not.

[11] Q: Okay. Did you have trouble communicating
[12] with him?

[13] A: No, I did not.

[14] Q: With Jose?

[15] A: No.

[16] Q: How about the other fellow, the other guy?

[17] A: Miguel came in for negotiations.

[18] Q: Miguel's English is good?

[19] A: It's fairly good.

[20] Q: How does it compare to Jose's?

[21] A: Miguel didn't have any trouble
[22] understanding what the proposals were.

[23] Q: Okay. What were you guys trying to get? I
[24] take it you were of one mind about what you wanted

[1] A: Yes.

[2] Q: Who's the person who does the collections
[3] for your multi-employer pension plan? Who gets the
[4] money in for defaulting companies?

[5] A: The international.

[6] Q: Who's the local person in that? Where is
[7] your pension fund office? You know, the letter you
[8] get and all that, what does it come out of?

[9] A: It comes out of Pittsburgh.

[10] Q: Out of Pittsburgh, that's right. Is there
[11] a local person for purposes of collections at
[12] meetings and all that stuff?

[13] A: Not that I'm aware of, no.

[14] Q: All right. Where do you meet when you have
[15] pension meetings or meetings just about pensions?

[16] A: I don't attend those, so I don't know.

[17] Q: Well, did you ever get any correspondence
[18] from the union that said that these guys might be
[19] going under? "These guys" being Farnsworth Fibre
[20] and Sherman-Feinberg.

[21] A: I don't recall.

[22] Q: So you don't recall getting something
[23] saying, "Hey, watch out for these guys"?

[24] A: No.